

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>IN RE: TESTOSTERONE</b>	)	<b>Case No.: 1:14-cv-01748</b>
<b>REPLACEMENT THERAPY</b>	)	<b>MDL NO. 2545</b>
<b><u>PRODUCTS LIABILITY LITIGATION)</u></b>		<b>JUDGE MATTHEW F. KENNELLY</b>

**THIS DOCUMENT RELATES TO:  
ARMANDO J. ROBERTO, JR. AND ELIZABETH E. ROBERTO, #1:15-cv-7085**

**AFFIDAVIT OF CYRUS F. RILEE, III, ESQ.**

I, Cyrus F. Rilee, III, Esq., being duly sworn, do hereby depose and state:

1. On December 13, 2015, the Plaintiffs timely and completely submitted a Plaintiff Fact Sheet (“PFS”), blank medical authorizations, and a complete copy of the Plaintiff’s entire two hundred and twenty-seven (227) page medical record to the Defendants, with no resulting “Deficiency Notice” sent by the Defendants to the Plaintiffs.

2. On January 18, 2019, following the global settlement of MDL 2545, as part of their participation in the Androgel Resolution Program, the Plaintiffs timely and completely submitted their claim information to the Defendants through the Androgel Settlement Portal, which included a fully completed Plaintiff Profile Form (“PPF”) executed by the Plaintiff on January 12, 2019.

3. On March 2, 2019, undersigned counsel learned that, on February 19, 2019, the Plaintiffs’ claim was deemed “ineligible,” with the explanation given as “Litigation Status”: {->Dismissed}.

4. On the same date, after spending hours sorting through hundreds of ECF emails and underlying pleadings in MDL 2545, undersigned counsel learned, for the first time, the following:

a. On December 8, 2017, this Honorable Court issued Case Management Order (“CMO”) No. 85, ordering all Plaintiffs to submit a Supplemental Plaintiff Profile Form (“PPF”) (Document #2295);

- b. On April 6, 2018, this Honorable Court issued CMO No. 110, Order to Show Cause Pursuant to CMO No. 85, ordering certain Plaintiffs to show cause why their lawsuits should not be dismissed for failure to comply with CMO No. 85, which included the Plaintiffs (Document # 2434);
  - c. On April 6, 2018, this Honorable Court issued a text entry accompanying CMO No. 110, stating that “[t]he Plaintiff’s Steering Committee is directed to make best efforts to ensure that this order is brought to the attention of counsel in the identified cases. (mk).” (*emphasis added*); and
  - d. On May 11, 2018, this Honorable Court issued CMO No. 118, dismissing one hundred and fifty-nine (159) lawsuits with prejudice for failure to comply with CMO No. 85, which included the Plaintiffs’ lawsuit (Document # 2612).
5. The Plaintiff’s Steering Committee did not contact undersigned counsel at any time

between December 8, 2017 and May 11, 2018.

Further the affiant say not.

Dated: March 3, 2019

/s/ Cyrus F. Rilee, III  
Cyrus F. Rilee, III

STATE OF NEW HAMPSHIRE  
COUNTY OF HILLSBOROUGH

Before me, the undersigned officer, personally appeared Cyrus F. Rilee, III, known to me or satisfactorily proven to be the person whose name is subscribed to the within document, and made oath that the statements contained therein are true to the best of his knowledge and belief.

Dated: March 3, 2019

/s/ Laurie B. Rilee  
~~Justice of the Peace~~ / Notary Public  
My commission expires: 06/07/2022